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## EIGHTY YEARS OF ARBITRATION.

“OUR setting forth is by no means for the purpose of gaining spoil or exacting ransom, though it may well happen that such may come to us also. We go to France and from thence, I trust, to Spain in humble search of a field in which we may win advancement and perchance some small share of glory.” Such were Sir Nigel Loring’s words to his retainers as he set forth in 1367 to take command of the “White Company.” Such was the spirit that fostered chivalry. And for centuries after chivalry died, wealth and glory were sought in war, and but seldom elsewhere. Ambition and passion continued to find their natural vent in war long after the world had laughed at Don Quixote and groaned under the Armada. It was not until Napoleon had sacrificed whole nations to his ambition that any serious protest was raised against the needless resort to arms.

For some years after 1814, when the first peace society was founded, the peace sentiment found little sympathy, and its public expression was somewhat spasmodic and no more efficacious than the ordinary day-after resolutions for reform. But half a century later when the whole civilized world had been shaken by a rapid succession of frightfully destructive wars, when the Crimean War, the American Rebellion, and the Franco-Prussian War had brought to every home the horrors of military strife, the recruits to the standard of peace became far more numerous and energetic, and their proposals became more rational, and received better attention.

Instead of preaching vague sermons on the blessings of peace, they concentrated on arbitration as the best solution of international difficulties. In a few years their societies spread throughout Europe and America, legislatures reinforced their views with resolutions, and nations adopted treaties of arbitration. In this century have occurred not less than fifty instances of disputes actually arbitrated, the most important of which, the Geneva Award in 1873, is familiar to every one. The cases, however, do not cover a wide range. With the single exception of a question of succession in a minor European principality, they are all confined to disputes territorial and financial. The wars of this cen-

ture, on the other hand, have been almost as many in number, and much wider in range. A question of succession was made the pretext for the Franco-Prussian War; the Zulu War was due to England's ambition for territory; and the war of 1830 between France and Algiers grew out of a financial dispute; while religion was the cause of the Sepoy Rebellion, independence was the goal of the Greek Revolution, and social troubles were the origin of the American Rebellion. The result of eighty years' experience, then, seems to be that in disputes financial and territorial, between parties which cannot easily fight, arbitration has become a recognized means of settlement; in disputes religious and social, and struggles for independence, arbitration has no place; while in disputes over succession, territory, and finance, where there is a motive of aggrandizement or glory instigating one party, arbitration has been equally out of the place in the past, and its greatest effect in the future will be to require the aggressor to find a more substantial *casus belli* than has been necessary hitherto.

It is not merely the unwillingness of nations to adopt arbitration that accounts for its small success. It is essentially limited in its possibilities, — first from the nature of war, and then from its own nature.

War is the result of evil passions inherent in mankind. The ideal remedy would be an improvement in human nature such as to avert all violent quarrels, rather than moral suasion applied when passion is beyond control. The general tendency of modern enthusiasms is far from hostile to war; quite the reverse, it glorifies war. Whole nations bow down and worship a military leader, and seek to make him their ruler. The school-boy's hero is Julius Cæsar or Napoleon I. He is drilled in military history, and remembers Hannibal and the Black Prince, and the dates of Marathon and Bannockburn, long after he can tell you what influence the leaders had on the world, and why the battles were important. The finest and most thrilling literature, too, from the "Iliad" to "The Deluge" treats of the same theme, and lends its glamour. A solid foundation for the popular esteem for military eminence exists in the courage and self-sacrifice called into play more vividly perhaps in war than in any other human affair. The sentiment of nationality, usually regarded as a virtue, tends to narrow man's ideas from the human brotherhood in which war would be practically impossible to a condition where a fiery and ambitious ruler can plunge his country into strife, and then, confident of sup-

port, bid his fellow-citizens defend their fatherland. National pride, jealousy, resentment, and ambition, it is needless to say, help to make war the natural solution of quarrels.

Against the strong push of these many instincts and impulses is set a force dependent solely on good-will in its inception and good faith in its execution. An appeal to man's higher nature alone can bring arbitration into play, and the same appeal must be effective to induce the loser to abide by the arbitral decree, for a refusal to do so places the parties simply in their former condition.

These inherent defects weaken arbitration as a precedent by making its application limited and uncertain, and consequently weaken its support. For it was only urged as a means of avoiding war, and as its limitations become apparent, its friends must recognize the necessity of advancing to a wider and more permanent scheme.

Several writers have outlined plans for permanent international tribunals capable of enforcing their decrees, or for a federation based on a European citizenship. At first blush such notions appear highly chimerical, and the objection is made immediately that the world is not ripe for them. But it is in preparing the way for some such permanent and powerful institution that arbitration has, in my opinion, had its greatest and most valuable effect. Within the last half-century it has become a factor in international law. Regarded at first as an impractical if not impossible scheme, it has now become a familiar method of settling a certain class of controversies. When an international dispute arises the people no longer regard war as an inevitable necessity. Their former attitude of resignation has changed to one of hope for a better solution of the difficulty. They expect arbitration to be tried or some reason for its inadequacy to be given. The recent Behring Sea trouble produced much less war talk than former bickerings between the United States and England, and its peaceful solution was a matter of general congratulation even among the newspapers, the first organs to start a war scare, and the last to abandon it. The development of public opinion which arbitration has produced should warn its friends not to rest content with any such half-way measure. Arbitration has proved an imperfect substitute for war; but it does not follow from that that arbitration has accomplished its mission in simply providing a peaceful means of healing a few

ruptures. Its great achievement has been the training of public opinion. If the peace societies can formulate some scheme, not too ambitious, for an international tribunal, public opinion will be far stronger in its support than it would have been before arbitration was fairly tried. Arbitration has paved the way, perhaps, through other temporary and makeshift institutions, but none the less surely, for some permanent and universal solution of international disputes without resort to war. It has given a strength to the friends of peace, which if they have the courage and wisdom to avail themselves of it can accomplish far more toward relegating war to the background of barbaric customs than any quantity of pledges of national faith. The history of the past eighty years must convince every opponent of war that now is not the time to rest content with what has been accomplished, that nations have adopted his old rules of conduct, that he must keep to the front and formulate that new tribunal which shall bring "on earth peace, good-will toward men."

*H. A. Davis.*